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10/092,579	03/08/2002	Matthew Darwin	551P09US-1	1107

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/092,579	Applicant(s) DARWIN ET AL.	
	Examiner Shawki S. Ismail	Art Unit 2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **RESPONSE TO AMENDMENT**

1. This communication is responsive to the Request for Continued Examination (RCE) received on March 9, 2006.

Claims 1-26 have been cancelled.

Claims 27-51 have been newly added.

Claims 27-51 are pending examination.

## **The New Grounds of Rejection**

2. Applicant's amendment and arguments received on March 9, 2006 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

## **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 27, 50 and 51 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27, 50 and 51 recite, "determining a path to the device" it is unclear from the claim who is doing the determining and how, and it is also unclear what the path encompasses, is it path from the client to the device or the path from the proxy to the device.

These are representative examples. Applicant should review all pending claims for similar problems. Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent.

### **Claim Rejections - 35 USC §102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 27-28, and 30-51 are rejected under 35 U.S.C. 102(e) as being anticipated by **UK Patent Application GB 2330991A** (hereinafter referred to as Yeomans).

6. As to claim 27, 50 and 51, Yeomans teaches a method for providing a proxy service in a computer network, comprising the steps of:

(a) receiving at a first proxy server, a request from a client to access an application associated with a device (Page 2 lines 1-13, the proxy server receives a request from a requesting computer to access a recipient computer),

(b) determining a path to the device (Page 4, lines 17-25, data is communicated using a datagram which comprise a header portion which contain the IP address of the source and the destination of the datagram),

(c) the first proxy server redirecting the client to an access point for the path, where the access point is selected from the group consisting of a port on the first proxy server and the application associated with a device directly accessible by the client (Page 2, lines 15-20, the data packets sent from a source to a destination are forwarded to the proxy server instead of the destination).

7. As to claim 28, Yeomans teaches a method according to claim 27, wherein the step of determining comprises dynamically establishing at least one communication channel along the path (Fig. 1, page 3, lines 25-41).

8. As to claim 30, Yeomans teaches a method according to claim 27, further comprising the step, before step (c), of ascertaining what firewall rules exist for the path (Page 4, lines 27-33, each router (which provides firewall functions) in the computer network comprises a routing table 260, which controls the admission of datagrams from source IP addresses on a first sub-network to destination IP addresses on a second sub-network).

9. As to claim 31, Yeomans teaches a method according to claim 30, wherein the step of ascertaining comprises using a network inventory to describe the devices that are to be considered by the proxy (Page 4, lines 27-33, the routing table contains a list of source and destination devices and whether the request is from the source to the destination is originating from inside the intranet or outside the intranet).

10. As to claim 32, Yeomans teaches a method according to claim 30, wherein the step of ascertaining comprises using device attributes apart from a native device IP address to select the device (Page 4, lines 27-33, the routing table contains a list of

source and destination devices and whether the request is from the source to the destination is originating from inside the intranet or outside the intranet).

11. As to claim 33, Yeomans teaches a method according to claim 30, wherein the step of ascertaining comprises using an inventory of devices to distinguish between devices that have IP numbering or network conflicts (Page 5, lines 13-37, the source and destination of the datagrams, if a criteria is not met in the routing table then it is denied access otherwise it passes).

12. As to claim 34, Yeomans teaches a method according to claim 30, wherein the step of ascertaining comprises using physical topology information to determine a Location of the device (Fig. 2, Fig. 4, Fig. 5, Page 5, lines 13-37).

13. As to claim 35, Yeomans teaches a method according to claim 30, wherein the step of ascertaining comprises using physical topology information to determine and discriminate between non-routable networks with conflicting address information (Page 5, lines 13-37, the routing table restrict access to some datagrams and allows access to others depending on whether they satisfy certain criteria).

14. As to claim 36, Yeomans teaches a method according to claim 27, further comprising the step of authenticating the client (Page 6, lines 16-26).

15. As to claim 37, Yeomans teaches a method according to claim 27, further comprising the step of propagating information relating to the path to a second proxy server (Page 5, lines 13-37, the path that the datagram needs to traverse will be provided to the proxy server so that it will arrive at the proper destination).

16. As to claim 38, Yeomans teaches a method according to claim 37, further comprising the step of authentication the second proxy server (Page 6, lines 16-26).

17. As to claim 39, Yeomans teaches a method according to claim 37, further comprising providing the second proxy server with an address of the client (Page 5, lines 13-37, the proxy server is given provided with the source and destination addresses).

18. As to claim 40, Yeomans teaches a method according to claim 37, further comprising providing the second proxy server with an address of the device (Page 5, lines 13-37, the proxy server is given provided with the source and destination addresses).

19. As to claim 41, Yeomans teaches a method according to claim 37, further comprising determining a remaining path to be traversed for the second proxy server (see table on page 5, page 5, the type of request facilitate the type of processing and ultimately the path that needs to be taken to reach the destination).

20. As to claim 42, Yeomans teaches a method according to claim 37, further comprising the step of receiving information relating to the path from a third proxy server (Page 5, lines 13-37).

21. As to claim 43, Yeomans teaches a method according to claim 37, wherein the path comprises a communications channel between the first and second proxy servers (Page 1, lines 18-25).

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22. As to claim 44, Yeomans teaches a method according to claim 27, further comprising the step of the client forwarding an access communication to the access point (Page 6, lines 28-33).

23. As to claim 45, Yeomans teaches a method according to claim 44, wherein the access communication is an HTTP protocol request (see table on page 5 and page 5, lines 13-37).

24. As to claim 46, Yeomans teaches a method according to claim 44, wherein the access communication is a TCP request (Page 6, lines 28-33, In one part embodies the proxy server is integral to the router; thereby allowing the connection to remain between the proxy server and the user terminal over multiple TCP requests).

25. As to claim 47, Yeomans teaches a method according to claim 44, wherein the access communication appears to the application to emanate from the client (Page 6, lines 28-33, the user terminal receives the datagrams with the fields marked as if they were sent directly by the remote server and not through the proxy server).

26. As to claim 48, Yeomans teaches a method according to claim 44, wherein the access communication appears to the client to be directed to the application (Page 6, lines 28-33, the user terminal receives the datagrams with the fields marked as if they were sent directly by the remote server and not through the proxy server).

27. As to claim 49, Yeomans teaches a method according to claim 44, further comprising maintaining any authentication beyond completion of the access communication (Page 6, lines 28-33, In one part embodies the proxy server is integral



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to the router; thereby allowing the connection to remain between the proxy server and the user terminal over multiple TCP requests).

### **Claim Rejections - 35 USC § 103**

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over **UK Patent Application GB 2330991A** (hereinafter referred to as Yeomans) and in view of **Pistriotto et al.**, (hereinafter referred to as Pistriotto) U.S. Patent No. **6,138,162**.

30. As to claim 29, Yeomans teaches a method according to claim 27 as described above. Yeomans does not explicitly teach wherein the step of redirecting comprises sending a redirect message to the client which informs the client of the access point, by which the application may be accessed.

Pistriotto teaches redirecting client communication with a destination server via an intermediate proxy server that are connected via a network. a client computer may request particular types of information in a request messages. In order to reduce network traffic, the destination computer may redirect the client's request messages to a caching proxy server, which is preferably located behind the same

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firewall or gateway as the client. The destination computer may initiate the redirection of client computer requests after receiving get request message from the client. The destination computer sends a message to the caching proxy server specifying the categories of request that the client computer will direct to the caching proxy server. The proxy server forwards this message to the client computer. The client computer uses the information contained in this message to direct requests messages to a specific caching proxy server.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Pistriotto in to the invention of Yeomans in order to be able to redirect the client device to the appropriate devices by which to gain access to a requested resource in an efficient and timely manner.

31. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

### **Response to Arguments**

32. Applicant's amendment and arguments received on March 9, 2006 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

### **Contact Information**

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
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May 12, 2006



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